



General Assembly

January Session, 2007

Committee Bill No. 152

LCO No. 3880

03880SB00152LAB

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

**AN ACT CONCERNING ACCIDENTAL FAILURE OF WORKERS'
COMPENSATION CLAIMS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 31-294c of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2007*):

4 (c) (1) Failure to provide a notice of claim under subsection (a) of
5 this section shall not bar maintenance of the proceedings if there has
6 been a hearing or a written request for a hearing or an assignment for a
7 hearing within a one-year period from the date of the accident or
8 within a three-year period from the first manifestation of a symptom of
9 the occupational disease, as the case may be, or if a voluntary
10 agreement has been submitted within the applicable period, or if
11 within the applicable period an employee has been furnished, for the
12 injury with respect to which compensation is claimed, with medical or
13 surgical care as provided in section 31-294d. No defect or inaccuracy of
14 notice of claim shall bar maintenance of proceedings unless the
15 employer shows that he was ignorant of the facts concerning the
16 personal injury and was prejudiced by the defect or inaccuracy of the

17 notice. Upon satisfactory showing of ignorance and prejudice, the
18 employer shall receive allowance to the extent of the prejudice.

19 (2) If a claim for which a notice of claim was given within the time
20 periods established in subsection (a) of this section has been dismissed
21 one or more times because of (A) insufficient service of process of the
22 notice of claim, (B) lack of jurisdiction for the reason that the wrong
23 party was named as the employer in the notice of claim, or (C) any
24 matter of form, the claimant or any other person entitled under chapter
25 568 to bring or continue such claim may give a new notice of claim for
26 the same claim at any time within one year after any such dismissal.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2007	31-294c(c)

Statement of Purpose:

To establish an accidental failure of claim statute for workers' compensation in order to provide a workers' compensation claimant, after the dismissal of a claim, with rights similar to those of a plaintiff in a civil action.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. LOONEY, 11th Dist.; SEN. PRAGUE, 19th Dist.

S.B. 152